

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2526****Date:** August 18, 2005**Applicant:** Terry Keir and Jean Elwell-Keir**Address of Property:** 4905 Knox Avenue South**Contact Person and Phone:** Kory Holm, (952) 224-3688**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** July 27, 2005**End of 60 Day Decision Period:** September 25, 2005**Appeal Period Expiration:** August 29, 2005**Ward:** 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association**Existing Zoning:** R1A Single-family Residential District**Proposed Use:** A front porch addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Knox Avenue South from 30 ft. 10 in. to 21 ft. to allow for the construction of an 8 ft. open front porch addition with 7.5 ft. stairs to an existing single-family dwelling located at 4905 Knox Avenue South in the R1A Single-family Residential District.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: The subject property is approximately 40 ft. by 135.2 ft. (5,408 sq. ft.) and consists of an existing single-family dwelling and a detached garage. The existing dwelling has a 4 ft. by 9.5 ft. front vestibule, with a front facing door. The two adjacent dwellings are located with the same front setback and vestibule configuration.

The applicant submitted information with measurements of 40 ft. 10 in. from the street to the front vestibule. The front setback is measured to the wall, 4 ft. back, making the setback 44 ft. 10 in. from the street. However, the applicant shows a sidewalk and boulevard on the plans. The street ordinance states there is a 5.5 ft. boulevard, 6 ft. sidewalk, and 2.5 ft. interior boulevard. Staff used this information to determine the setback reduction requested would be from 30 ft. 10 in. to 21 ft.

The applicant is proposing to construct an open front porch addition to an existing single-family dwelling. The porch will project 5 ft. in front of the vestibule with stairs that would be 7.5 ft. wide. The applicant is proposing to connect the 5 ft. wide portion of the deck with an 8 ft. deep porch that would project 4 ft. in front of existing vestibule. The proposed open porch addition would be a maximum of 8 ft. deep and would project a total of 9 ft. in front of the two adjacent dwellings. The proposed porch would be located on the south half of the front of the dwelling. The applicant is required to obtain a variance for this setback because the porch is located in a required front yard setback.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front yard setback: The applicant is seeking a variance to reduce the established front yard from 30 ft. 10in. to 21 ft. to allow for the construction of an 8 ft. open front porch addition to an existing single-family dwelling with 7.5 ft wide stairs. The adjacent dwellings are located exactly in line with the subject dwelling. All three dwellings are setback 30 ft. 10in. from the front property line and have 4 ft. vestibules that are considered permitted obstructions and not part of the dwelling. Due to the location of the dwellings, strict adherence to the regulations would not allow for the proposed open porch addition to the existing single-family dwelling in the required front yard. The property has a front facing door and would not be allowed to construct a porch that is deeper than or projects more than 6 ft. from the dwelling. A 6 ft. deep open porch addition to a single-family dwelling is a reasonable use of the property. A 6 ft. open porch would not allow the applicant to access the porch from within the dwelling without adding a new door to the dwelling. The applicant is proposing a porch that projects a total of 9 ft. in front of the main part of the two adjacent dwellings, which is considered excessive.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Front yard setback: The circumstances upon which the setback variances are requested are unique to the parcel of land due to the location of the existing dwellings. As previously mentioned, the dwellings all have the same setback from the front property line. Additionally, the properties all contain vestibules that are considered permitted obstructions. The property has a front facing door and would not be allowed to construct a porch due to only 2 ft. remaining as a permitted obstruction. This is a circumstance that is unique to this parcel and not created by the applicant. Porches that are deeper than or projects more than 6 ft. from the dwelling are not permitted and are a circumstance created by the applicant. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Front yard setback: Staff believes the open porch addition to the existing single-family dwelling will substantially alter the essential character of the surrounding neighborhood, because the entire block face has approximately the same setback. There are a number of properties in the neighborhood that are similarly located and the porch addition will project in front of this line. Staff believes that the porch addition would be injurious to the use or enjoyment of other property in the vicinity because it is located in front of the adjacent dwellings. The applicant is proposing a porch addition that is 2 ft. greater than the allowed porch size for one portion of the project and a porch that is 3 ft. greater for the portion of the porch that is located in front of the vestibule. Staff believes the addition does not meet the intent of the ordinance, because the porch projects too far in front of the dwelling and is not consistent with the neighboring properties.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Front yard setbacks: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Knox Avenue South from 30 ft. 10in. to 21 ft. to allow for the construction of an 8 ft. open front porch addition with 7.5 ft. stairs to an existing single-family dwelling located at 4905 Knox Avenue South in the R1A Single-family Residential District.